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DDCI CHANGES IN REGULATION

REGULATION

PERSONNEL

3 February 1956

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GENERAL SEPARATION ACTIONS

Rescissions: (1) Paragraph A(1) and B of CIA Regulation
(2) [] dated 10 February 1955

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1. GENERAL

- a. This regulation states the requirements and procedures applicable to general separation actions. This regulation governs the separation of Agency employees for all reasons except reduction in force, entry into military service, and separation based on adverse findings of a security hearing board or the Employment Review Board.
- b. The separation actions included in this regulation have been grouped in two categories on the basis of the procedural requirements to be accomplished by supervisory officials and the Office of Personnel.
 - (1) The first group of actions, which is described in paragraph 4 below, includes those actions which are taken in response to requests by employees and those which the Agency is required to take because the employee concerned has lost eligibility for continued employment.
 - (2) The second group of actions, which is described in paragraph 5 below, includes those actions which are initiated by Agency officials on the basis of the employee's conduct or qualifications. They are distinguished from similar actions described in paragraph 4 primarily in that they require advance notice

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[and] involve, usually but not invariably, ^{advance notice and} the right of the employee to reply before they may be properly effected.

2. AUTHORITIES AND RESPONSIBILITIES

- a. Supervisors bear primary responsibility for determining the adequacy of the performance and conduct of personnel under their jurisdiction and for initiating corrective action where necessary. While ultimate authority for taking personnel actions rests generally with the Director of Personnel, this fact does not relieve supervisory officials of their responsibility for discipline and proper management of personnel.
- b. The Director of Personnel is responsible for rendering advice and assistance at all supervisory levels in these problems and for reviewing recommended actions to ensure that they conform to regulatory and procedural requirements and are not unreasonable, capricious, or arbitrary. Except as specifically provided elsewhere, the Director of Personnel or his designee will take or recommend final action to separate an employee.

3. SELECTION OF APPROPRIATE TYPE OF SEPARATION ACTION

Each of the actions described in this regulation has distinguishing characteristics which materially affect the rights or interests of the Agency, the Government, and the employee. Careful consideration must be given to any proposed action to determine whether such action could be construed as adverse and whether it will in fact promote the efficiency of the service. After preliminary determination that the facts and circumstances in an individual case appear to warrant action, selection will be made of the specific type of personnel action most appropriate to the individual case.

4. ACTIONS BASED ON EMPLOYEE'S REQUEST OR LOSS OF ELIGIBILITY

a. RESIGNATION

- (1) Resignation is separation at the employee's request, either verbal or written. Whenever a resignation is initiated because of security or other than normal implications, the office concerned shall so notify the Director of Personnel by a separate "Eyes Only" memorandum. This memorandum shall be available only to the Director of Personnel or his designee.

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- (2) Careful consideration shall be given to the reasons offered by an employee for his proposed resignation. Unless the employee is unavailable, he will be interviewed by his supervisor initially and the Office of Personnel subsequently, before his plans for leaving are made firm, to determine whether action in accordance with paragraph (a) or (b) below is appropriate. In determining whether either action is appropriate, the Director of Personnel will ensure that additional information contained in separate "Eyes Only" memorandum, if any, is taken into consideration.
- (a) If the proposed resignation is the result of failure of a potentially valuable employee to adjust himself to a specific work situation, appropriate action should be taken to improve such adjustment by in-service placement, counseling, or other means.
- (b) If the reason offered is ill health, the employee's eligibility for separation because of disability should be determined. If this action is proper, the employee will be advised that he may withdraw his resignation and safeguard his interests through separation action based on disability.
- (3) When an individual contemplates voluntary separation from the Agency, he should give ^{at least} one month's advance notice of this fact. However, failure to furnish such notice will not affect the personnel action involved in any way and, although it may reflect unfavorably on the individual's employment record, it is not a basis for barring him from further Federal employment.
- (a) Oral notice constitutes a valid resignation but every effort will be made to obtain written confirmation whenever possible.
- (b) Letters of resignation from absent employees should be addressed to the Director of Personnel. However, when such letters are received by other Agency officials, they will be forwarded immediately to the Office of Personnel for action.

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- (c) When an employee who is absent on maternity, educational, or other extended leave fails either to return to duty or to send notice at the end of the period of authorized absence, the Office of Personnel will send a letter to the employee's last known address, if security considerations permit, requesting that he notify the Director of Personnel whether he intends to return or resign. The letter will request reply within a specified reasonable period (not less than 5 calendar days) and will inform the employee that, if he does not return, the Agency will be compelled to consider him as having resigned. An employee eligible for veteran preference will also be advised that the letter constitutes 30 days' advance notice of proposed action in compliance with the provisions of section 14 of the Veterans' Preference Act, as amended. Unauthorized absence and failure to report not covered by this paragraph or by provisions covering missing persons will be considered as absence without leave or abandonment of position and will be treated accordingly.
- (4) The effective date of a resignation will be the close of business on the last day the employee is present for duty except in the following circumstances:
- (a) When an employee resigns during, or at the expiration of an approved leave period, the date of separation will be fixed as the closing date of the pay period during which his resignation is received by the Office of Personnel and any intervening period will be covered by leave with or without pay.
- (b) When an employee resigns under circumstances where it is proper to grant any accrued sick leave, including resignation for maternity reasons, the date of resignation may be extended to permit granting unused sick leave. The employee must apply for such leave and his request must be supported by a doctor's certificate. Such cases require the approval of the Director of Personnel.

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b. SEPARATION TO ACCEPT OTHER FEDERAL EMPLOYMENT

- (1) The action to be taken to allow appointment of an employee by another Federal agency without a break in service of one workday is "Separation," unless the employee elects to resign or is eligible for "Separation (Transfer)."
- (2) The effective date of separation will be determined by negotiation between the Office of Personnel and the other *office* [agency] concerned. Every effort will be made to arrange a date agreeable to the employee's supervisor.

c. SEPARATION UPON DETERMINATION OF LEGAL INCOMPETENCE

- (1) An employee who has been declared mentally incompetent by a court of competent jurisdiction will be separated by the action "Separation (Legal Incompetence)." This action is to be distinguished from "Separation (Disability)" which may be taken upon an administrative determination that the employee is mentally incapable of performing the duties of his position.
- (2) No employee will be separated for legal incompetence until authoritative evidence is received which supports this action. Upon receipt of such evidence, the Director of Personnel will determine whether the employee is eligible for disability retirement and, if so, will promptly advise the legal guardian appointed by the court of such eligibility. If application for disability retirement is made, action will be taken in accordance with paragraph d below.
- (3) The effective date of the separation will be the date of receipt by the Agency of notification of court action as extended by any unused sick leave to the employee's credit. The Office of Personnel will advise the legal guardian that he may submit a claim for unpaid salary since payments cannot be made to the employee after the date of the court action declaring him incompetent.

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d. DISABILITY RETIREMENT

- (1) An employee who is eligible for "Retirement (Disability)" will be separated by this action upon approval of his application by the U. S. Civil Service Commission. Application for disability retirement may be submitted by the employee, his guardian or other interested party (if he is mentally incompetent), or by the Agency. The Office of Personnel will furnish advice and assistance as to eligibility requirements, and necessary steps in processing the application.
- (2) An employee who is physically or mentally disqualified for further productive effort will be continued on the roll on sick leave, or leave without pay if necessary, pending approval of his application for disability retirement. In the event he is not eligible for retirement, he will be separated by the action "Separation (Disability)" described in paragraph 5c below.

e. OPTIONAL RETIREMENT

Employees meeting certain age and length of service requirements may elect to retire even though they are not eligible for mandatory age retirement (paragraph f below). The Office of Personnel will furnish advice and assistance as to eligibility requirements and necessary steps in processing the application. (See [redacted])

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f. AGE RETIREMENT

When an employee has reached age 70 and has completed 15 or more years of creditable service, [the Agency has no option but to separate him] by the action "Retirement (Age)." (See [redacted]) *he will be separated*

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8. DEATH

- (1) When an employee dies, the Office of Personnel will be immediately advised and will notify, by the most expeditious means available, the emergency addressee designated by the employee, provided that such addressee is not already aware of the death.
- (2) The Office of Personnel will provide all possible assistance to the deceased employee's next of kin, or the emergency addressee, in preparing a claim for final salary and lump-sum leave payments; and in filing a claim for any survivorship benefits for which he may be eligible under the Civil Service Retirement Act. He will also be advised that he should submit a claim for any social security benefits which may be due.
- (3) When death occurs in the performance of duty, the Office of Personnel will take action to preserve all the employee's rights under the Federal Employees' Compensation Act.
- (4) An employee will not be separated by the Agency while he is in the status of a missing person as referred to in Agency regulations. In unusual cases, when proof of death cannot be obtained, the employee may be removed from the rolls by the action "Death (Presumed)."

9. ACTIONS BASED ON CONDUCT OR QUALIFICATIONS

a. PRINCIPLES GOVERNING ACTIONS

- (1) Removal is required by statute for certain offenses, including, among others, political, subversive, fraudulent, or criminal activities. Discretionary authority to separate an employee may be exercised when such action will promote the efficiency of the service.
- (2) Determination to separate an employee will be based on consideration of the following factors:
 - (a) The employee's service history and his explanation (intent, mitigating circumstances, etc.) and the frequency of the occurrence for which separation is proposed.

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- (b) Previous supervisory attempts to rectify the difficulty.
- (c) Whether the situation is remediable by admonition, reprimand, or other less drastic action.
- (3) Action will not be taken in reprisal for petition or testimony to Government authorities, *provided that due regard for Security has been given by the individual concerned.*
- (4) To the extent authorized by existing legislation and governing regulations, employees will be paid retroactively for periods of enforced absence upon restoration and determination that their separation was unjustified or unwarranted. (This does not apply to restorations effected to correct purely procedural errors.) Adverse action must, therefore, be well supported factually and the utmost care exercised in selecting appropriate action on the grounds provided.
- (5) The effective date of action will not be established prior to the expiration of the advance notice prescribed in paragraph 6 of this regulation or, if applicable, to the date the employee has received notice of the adverse decision.

b. FAILURE TO QUALIFY DURING TRIAL PERIOD

The trial period should be fully utilized as a weeding-out period to determine the capacity of a new employee. Supervisors should pay particular attention to the employee's performance, progress, and growth potential during this period and report these items in detail on the Fitness Report prepared prior to completion of the trial period. An employee who fails to demonstrate qualifications for his position or otherwise manifest unsuitability for Agency employment during his trial period will be separated by the action "Separation (Disqualification)." This also applies to individuals entitled to veteran preference who have completed a trial or probationary period in another agency when they are appointed to CIA in a different line of work.

c. SEPARATION FOR UNSATISFACTORY PERFORMANCE

- (1) "Separation (Inefficiency)" is separation action based on unsatisfactory performance of an employee who has completed his trial period. This action may be taken when deficiencies in performance warrant, even though the employee's last

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usually will not until

Fitness Report indicates satisfactory performance. However, it ~~may~~ be taken ~~only~~ after the employee has been officially notified in writing of the deficiencies in his performance and has been given a specified reasonable period of time (generally not less than 90 calendar days) with proper supervision and on-the-job training in which to improve.

- (2) In cases where a conscientious employee occupies a position beyond his actual or potential capacity, he should be re-assigned to duties commensurate with his abilities (which might involve reassignment to a position of a lower grade and consequent downgrading). When, however, the supervisor's efforts to bring about more satisfactory performance have been unavailing and less drastic action is not possible or desirable, the supervisor will recommend separation action. His recommendation, containing pertinent facts concerning the individual's unsatisfactory performance and summarizing the supervisor's efforts to bring about improvement, will be forwarded to the Office of Personnel through channels.

d. Separation for mediocre performance
d. REMOVAL

"Removal" is the action taken to separate an employee on charges of delinquency or misconduct. Written charges must be preferred against the offending member with an opportunity for reply. This action is appropriate for use when the grounds are an employee's willful actions or carelessness or negligence beyond reasonable excuse. It should be used when warranted, whether or not the employee has completed a trial period. Removal action is not appropriate for separation on grounds of unsatisfactory performance unless there has been gross negligence or carelessness on the part of the employee nor is it appropriate for separation for physical or mental deficiencies.

e. SEPARATION FOR DISABILITY

- (1) An employee who is physically or mentally incapable of satisfactorily performing the duties of his position and who is ineligible for disability retirement will be separated by the action "Separation (Disability)." In no case will an employee be requested or advised to resign in lieu of this action.

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- (2) When it appears that an employee is physically or mentally incapable of performing his duties by reason of a continuing disability, his supervisor will be assisted by the Office of Personnel in preparing a memorandum to the Medical Staff stating the facts and circumstances. The Medical Staff will promptly arrange with the employee, through his supervisor, for interview and examination. A written statement based upon the examination and observed facts, and recommending separation or retention of the employee, will be prepared by the Medical Staff and forwarded to the Office of Personnel. Based upon the findings and recommendation of the Medical Staff, the Director of Personnel will determine final action to be taken.
 - (3) If the employee refuses or is not physically able to present himself for examination, the Director of Personnel will reach a decision upon such facts as are otherwise available, with the advice of the Chief, Medical Staff, and the employee's supervisor.
 - (4) Employees will be permitted to use all sick leave to their credit prior to separation for disability.

f. ABANDONMENT OF POSITION

Prompt action should be taken to determine the cause of any unauthorized absence from duty. When it is evident that an employee has abandoned his post of duty or failed to return to duty at the expiration of an authorized period of leave, either of the following actions will be taken by the Office of Personnel following consultation with the employee's supervisor:

- (1) "Separation (Abandonment of Position)"
 - (a) If security considerations permit, the employee will be notified by his copy of SF-50, or by memorandum in lieu thereof, that he has been separated for abandonment of position.
 - (b) If the employee informs this Agency that he did not abandon his position and that he wishes to return to it,

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Decision should be made by Director of Personnel in collaboration with supervisor whether or not he should be restored to the position he left, and it will then be decided whether the circumstances justify removal action.

(2) "Removal" (See paragraph 5d.)

A written notice (see paragraphs 6c and f) will be sent to the employee at his last known address, by registered mail, return receipt requested, if security considerations permit.

6. NOTICES, DECISIONS, AND APPEALS

a. NOTICE PERIODS--RIGHT TO REPLY

Specific requirements for notice periods and right to reply are shown in attachment 1.

(1) Generally, employees serving in a trial period will receive at least 15 calendar days' notice of proposed separation.

(2) In most cases, employees who have completed their trial periods will receive at least 30 calendar days' notice. Important exceptions are as follows:

- may, under some circumstances,
- (a) An employee who is eligible for veteran preference and who has completed a trial or probationary period in current continuous Federal service will be considered as having completed his trial period even though he may not have served the full 12 months' trial period in this Agency, provided his appointment to the Agency is in the same line of work.
- (b) In removal cases, unless the employee concerned is eligible for veteran preference and must therefore be given 30 calendar days' advance notice, the time allowed between the notice and final decision will be determined by the circumstances of the individual case but sufficient to allow for the reply period, consideration of reply and issuance of final decision.

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(c) Time requirements for advance notice and reply do not apply in the following cases, although the employee will be given such advance notice and opportunity to answer as will be reasonable under the circumstances:

- (1) When the reasons or charges are of such nature that the law requires immediate removal if the charges are substantiated.
- (2) When there is reasonable cause to believe the employee guilty of a crime for which a sentence of imprisonment can be imposed.
- (3) When security precautions require it.

b. COMPUTATION OF NOTICE PERIOD

The amount of notice required for the various types of actions is given in attachment 1. In computing the notice period, only full calendar days will be counted. The count will start the day after the employee receives his notice. The separation will not be effected earlier than the close of the employee's regular hours of duty on the day on which the full notice period is completed. When two calendar days are included in the same work shift, the effective date will not be earlier than the completion of the work shift for the day after the notice period is completed.

c. FORM OF NOTICE

Notice of proposed separation will normally be issued in the form of a letter. However, notice of termination action which does not include the right to reply may be given in the form of a letter or on Standard Form 50: Notification of Personnel Action.

d. PREPARATION OF NOTICE

When separation for unsatisfactory conduct or performance of an employee who has completed his trial period is proposed, the notice will be prepared and signed by the supervisor, with assistance and prior concurrence of the Office of Personnel. In other cases, the Office of Personnel will prepare the notice for the signature of the Director of Personnel. Supervisory officials will be requested to provide such information as may be necessary in individual cases.

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e. CONTENTS OF NOTICE

- (1) All notices will specify the action proposed, the date the proposed action will become effective, and the reasons for the action, stated specifically and in detail. If appropriate to the action, the notice will also include a review of the administrative and supervisory actions which have been taken to correct the situation.
- (2) All notices will specify whether the employee will remain in a work status and whether he will remain in his present position during the notice period. (See paragraph g below.)
- (3) A statement on the employee's right to reply will be included when it is applicable. (See attachment 1.) This statement will include the following information:
 - (a) That the employee has a right to reply, personally and in writing, and to furnish affidavits and evidence in support of his answer.
 - (b) That the employee must make any reply within the time specified in the notice. (See paragraph h below.)
 - (c) That the employee may mail or bring a written reply to the Office of Personnel and that he may contact the individual designated in the letter to deliver a written reply or to make arrangements for an appearance before an advisory committee. (See paragraph i below.)
 - (d) That the employee may appear before an advisory committee to present an oral reply.
 - (e) That no final decision has been made or will be made until the employee's reply has been considered or, if he chooses not to reply, until the time specified for reply has passed.
 - (f) That the employee will be notified of the final decision as soon as practicable (normally within 10 calendar days) and prior to the effective date of action. (See paragraph j below.)

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f. DELIVERY OF NOTICE

- (1) If the employee is available, the notice will be delivered to him personally by his supervisor, or by a representative of the Office of Personnel, as appropriate, and he will be requested to sign a receipt therefor.
- (2) When the employee is not available for personal delivery, the notice will be sent by the Office of Personnel to his last known address, if security considerations permit, by registered mail, return receipt "signed by addressee only" requested. The return receipt or the envelope bearing the post office notation of nondelivery will be filed in the employee's official personnel folder as evidence of compliance with regulations.

g. STATUS OF EMPLOYEE DURING NOTICE PERIOD

- (1) The employee will normally be retained in his position in a work status during the notice period. Upon recommendation of a Deputy Director or an Operating Official, an exception may be authorized by the Director of Personnel when retention of the employee might result in damage to Government property; be detrimental to the interests of the Government; or be injurious to the employee, his fellow workers, or the general public.
- (2) When one of the above conditions exists, the employee may be reassigned to a position where the condition would not exist. Otherwise, he may be placed on:
 - (a) Annual leave, with or without his consent, provided he has sufficient leave to his credit to cover the required period.
 - (b) Leave without pay, with his consent.
 - (c) Sick leave, in appropriate cases.
- (3) If none of the above actions is possible to correct the condition, the employee may be suspended. Charges must be

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preferred before suspension and the employee given an opportunity to answer and submit affidavits thereto. The time to be allowed for answer in such cases may not be less than 24 hours even in emergency. An employee eligible for veteran preference may not be suspended for more than 30 days under this emergency procedure.

h. TIME LIMIT FOR REPLY TO NOTICE

- (1) The employee will be allowed a reasonable time in which to prepare his answer and obtain affidavits and evidence. The length of time allowed will depend upon the facts and circumstances of individual cases but will not be less than 7 calendar days.
- (2) The employee's request for an extension of time within which to reply may be granted at the discretion of the Director of Personnel.

1. CONSIDERATION OF REPLY TO NOTICE BY AN ADVISORY COMMITTEE

- (1) Thorough consideration of any reply, written or oral, received from an employee will be given by an advisory committee appointed by the Director of Personnel if such a committee is requested by the employee.
 - (a) The advisory committee will be composed of three responsible and impartial officials of the Agency who are not members of the office or comparable organizational element to which the employee is assigned. The Director of Personnel or his designated representative will serve as nonvoting chairman of the committee.
 - (b) The advisory committee may secure the technical advice and guidance of appropriate specialists.
 - (c) The employee may request the appearance before the advisory committee of other Agency employees in possession of pertinent facts. Individuals who are not members of the Agency will not be permitted to participate in the advisory committee's activities. If a transcript of the hearing is made, the employee shall be permitted to review it but he may not be given a copy for his personal use.

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- (2) After considering the individual's reply, the advisory committee will recommend final action to the Director of Personnel.
- (3) If a written reply is received from an employee whose notice did not include a statement on right to reply, full consideration will be given the reply. The Director of Personnel may, in his discretion, appoint an advisory committee for this purpose.

J. NOTICE OF DECISION

- (1) A notice of final decision, whether favorable or unfavorable, will be sent the employee at the earliest practicable date. This notice must be sent even though the advance notice was returned undelivered or the employee made no reply. The instructions in paragraph f above for delivery of advance notice apply.
- (2) If it is determined that the proposed action is not to be taken, the employee will be informed of the withdrawal and of the reasons therefor.
- (3) The notice must contain information on the following:
 - (a) Nature of action decided upon and the date on which it will become effective. (The effective date will be recomputed if for any reason the employee has not had the required minimum period of notice.)
 - (b) Reference to the procedural authority if the action is taken under Part 22 (procedures established pursuant to Veterans' Preference Act) of the Civil Service Regulations.
 - (c) Reference to the advance notice, including date of delivery or circumstances of nondelivery, and a brief statement of the reasons given in the advance notice.
 - (d) Reference to any replies made by the employee, including dates, or to his failure to reply, and statement concerning consideration given the reply.

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b. EFFECTING SEPARATION ACTION

Separation actions are consummated by the preparation of Standard Form 50: Notification of Personnel Action. The action is not officially recognized until this instrument is executed and authenticated by an official to whom appointing authority has been delegated and, in certain cases specified in this regulation, delivered to the employee.

c. CANCELLATIONS AND CORRECTIONS

- (1) Once a separation becomes an accomplished fact, it cannot be rescinded by administrative action. The action does not, however, become effective until the individual receives proper notice if required. Proposed separation may be canceled at any time prior to the effective date of the action.
- (2) When subsequent review shows that separation was unjustified or unwarranted, the employee may be returned to duty by restoration or new appointment action. Consistent with applicable legislation, retroactive salary payments may be authorized.
- (3) These provisions do not prohibit amending the form of a given notice to conform to established facts. For example, "Separation (Abandonment of Position)" should be changed to "Resignation" if it is later found that the employee did in fact resign.

d. FINAL PAYMENT AND CLEARANCE OF EMPLOYEE

(1) Initiation of Final Payment Clearance Sheet

- (a) The Office of Personnel will initiate Form No. 21: Final Payment Clearance Sheet (attachment 2) on all separating employees. In preparing the Form No. 21, the Office of Personnel will contact Agency offices concerned to determine whether or not the employee still has any outstanding obligations for Government property which may have been issued to him, such as books, brief cases, typewriters, etc. These offices

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will notify the Office of Personnel accordingly. Upon verbal certification from the office concerned that there are no outstanding charges against the employee, the Office of Personnel will indicate on Form No. 21 clearance of the individual for all offices except the Office of Security and the Office of the Comptroller.

- (b) In occasional situations it may be found in the clearance process that an employee will have some form of obligation (unreturned property, unsettled indebtedness, etc.) to the Agency which requires some action on his part to satisfy, and that the employee may not voluntarily perform action required. In such cases, it shall be the responsibility of the office to which the employee is assigned to provide the office holding the record of obligation whatever assistance it is able to provide in obtaining satisfactory settlement of the obligation.

(2) Refund of Retirement Deductions

An employee who is separated from the Agency may be entitled to a refund of retirement deductions or an annuity (immediate or deferred). The Office of Personnel will advise the employee, or his beneficiaries or guardian as appropriate, of any rights to refund or annuity which he may have.

(3) Security Debriefing

The employee will be referred to the Office of Security, by the Office of Personnel, for debriefings and surrender of his badge and any credentials which have been issued to him.

(4) Payment for Leave and Final Salary

The individual separating will report to the appropriate payroll office of the Office of the Comptroller, where he will surrender the completed Form No. 21. Final salary payment and payment for all accumulated and accrued annual leave to the employee's credit at the time of his separation from the Government service will be made promptly. Payments will not

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be made in the following instances:

- (a) When the employee is separated to accept other Government employment without a break in service of one workday.
- (b) When the employee concerned strikes or asserts the right to strike against the Government.

e. RETURN OF GOVERNMENT PROPERTY AND MONEY

A check will be made to see that the employee has settled any indebtedness to the Government and that the employee has returned any Government property which may have been issued to him, such as books, brief cases, or typewriters. This is accomplished by the use of Form No. 21. Payment for accumulated and accrued annual leave and final salary shall not be released until the employee is cleared on the above points except that if property has not been returned because it is in transit from a foreign station or is lost, the value thereof as established by the Office of Logistics shall be withheld and the remaining amount released to the employee. The amount so withheld shall be remitted to the employee at such subsequent time as the property is returned or as a Report of Survey is approved which relieves the individual of responsibility. In the event a Board of Survey adjudges a pecuniary liability for the individual, any excess of the amount withheld over the liability established would be remitted to the employee.

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SEPARATION NOTICE REQUIREMENTS

Reference	Type of Action	During Trial Period	After Trial Period
Paragraph 4:	Actions Based on Employee's Request or Loss of Eligibility:		
a:	Resignation		NO ADVANCE NOTICE BY AGENCY
b:	To accept other Fed. employment		
c:	Legal incompetence		AND NO RIGHT TO REPLY
d:	Disability retirement	Action not applicable	
e:	Optional retirement	Action not applicable	
f:	Age retirement	Action not applicable	
g:	Death		
Paragraph 5:	Actions Based on Conduct or Qualifications:		
b:	Failure to qualify during trial period	15 calendar days' notice; no right to reply	Action not applicable
c:	Separation for unsatisfactory performance	Action not applicable	30 calendar days' notice; right to reply
d:	Removal	Sufficient notice to allow for preparation and consideration of reply	Veteran: 30 calendar days' notice; right to reply Non veteran: sufficient notice to allow for preparation and consideration of reply
e:	Separation for disability	15 calendar days' notice; right to reply	30 calendar days' notice; right to reply
f:	Abandonment of position	Use removal procedure	Use removal procedure

- Attachment 1